IN THE HIGH COURT OF PUNJAB AND HARYANA AT

CHANDIGARH.

CWP No.19644 of 2006
Date of decision: 9.7.2007

Kanhaya Lal.

-----Petitioner

Vs.

M/s Rattan Singh Builders (P) Ltd. and another.

-----Respondents

CORAM:- HON'BLE MR JUSTICE ADARSH KUMAR GOEL
HON'BLE MR JUSTICE AJAI LAMBA

Present: Mr. A.P. Bhandari, Advocate
for the petitioner.

Mr. Shiv Kumar, Advocate
for the respondents.

ORDER:

This petition has been filed by the petitioner-workman against award of the Labour Court holding that the workman was entitled to compensation of Rs.25,000/-.

Claim of the petitioner-workman before the Labour Court was that he was appointed as an Electrician with the management-respondent No.1 on 10.6.1983 and his services were illegally terminated on 30.6.2003 after 20 years of service. The management was proceeded against ex-parte. The workman produced his identity card for the years 1994-98, which was not signed by the employer. In

absence of any other evidence but having regard to non-participation by the management, it was held that the workman was entitled to compensation of Rs.25,000/-.

In the petition filed in this Court, it has been stated that the Labour Court ignored the evidence of Provident Fund which was filed as W-4 before the Labour Court, a copy of which was Annexure P-7. The Labour Court also ignored the oral evidence of the workman himself though he was not cross-examined and though management did not rebut the evidence of the workman.

It could not be disputed that the workman was serving the management and his services have been terminated illegally. In these circumstances, even if the workman is held to be not entitled to backwages or reinstatement in absence of adequate material, the compensation of Rs.25,000/- awarded by the Labour Court, cannot be held to be sufficient. We are of the view that it will be in the interest of justice that the same be raised to Rs.50,000/-. The amount of Rs.25,000/- awarded by the Labour Court has also not been paid so far.

In these circumstances, we direct that the amount of Rs.50,000/- be paid to the petitioner within three months from today.

The petition is disposed of accordingly.

(ADARSH KUMAR GOEL)
JUDGE

July 09, 2007 **(AJAI LAMBA)**
ashwani **JUDGE**